REMARKS

Claims 1-28 are all the claims pending in the application. By this Amendment, Applicant amends claim 23 to further clarify the invention and adds claims 25-28, which are clearly supported throughout the specification *e.g.*, Fig. 1 and pages 3-4 of the specification.

Summary of the Office Action

The Examiner withdrew the previous rejections. The Examiner, however, found new grounds for rejecting the claims. Specifically, claims 1-24 are rejected under 35 U.S.C. § 102.

Prior Art Rejections

Claims 1-24 are rejected under 35 U.S.C. § 102(e) as being unpatentable over U.S. Publication No. 2002/0086671 to Amin et al. (hereinafter "Amin"). Applicant respectfully traverses these grounds of rejection in view of the following comments.

To be an "anticipation" rejection under 35 U.S.C. § 102, the reference must teach every element and recitation of the Applicant's claims. Rejections under 35 U.S.C. § 102 are proper only when the claimed subject matter is identically disclosed or described in the prior art. Thus, the reference must clearly and unequivocally disclose every element and recitation of the claimed invention.

Claim 1, 8, 15, 22, and 23 are the only independent claims.

Independent claim 1, among a number of unique features, requires: "means for selecting a set of provisioning data from a group of the current set of primary provisionig data and the set of protected primary provisioning data, wherein a connection to the data network is set up using

the selected set of provisioning data." Applicant respectfully submits that Amin fails to disclose establishing a connection (setting up a connection) to the data network using the selected profile.

An illustrative, non-limiting embodiment of the present invention, discloses a method and a telecommunications terminal operable to connect the terminal to a data network. The exemplary telecommunication terminal can change between access networks and/or users without loosing the provisioning data for data network by storing a protected primary provisioning data or a number of sets of protected primary provisioning data that cannot be modified without intervention from the user. The provisioning data is stored in the terminal or a card that is read by the terminal. Accordingly, after the terminal identifies a user and a useable network, the terminal tries to find stored provisioning data to enable access to the data network. Thereby, in this exemplary telecommunication terminal, there is no need to update the provisioning data to access the services of a data network each time the user roams between access networks and/or users. It will be appreciated that the foregoing remarks relate to the invention in a general sense, the remarks are not necessarily limitative of any claims and are intended only to help the Examiner better understand the distinguishing aspects of the claims mentioned above.

Amin is unrelated to providing a connection to the data network. Amin relates to a roaming restriction system that permits a wireless carrier or a subscriber to set a profile that identifies a chosen time window within which the subscriber's wireless calls that are originated from one or more selected roaming areas, are not allowed to be completed, while calls that are initiated either from authorized roaming areas or outside the chosen time window are allowed to

be completed. In Amin, the roaming restriction system allows a wireless carrier to either suspend or grant roaming privileges for a given subscriber within one or more location areas and for a particular time window (*see* Abstract and ¶¶ 7-10).

Specifically, Amin discloses that when a user at a mobile 20 initiates a wireless call, the call is received by a base station 36, which forwards the MIN/ESN and the dialed number to MSC 51 via line 16. The MSC 51 queries the VLR 52 to determine how to complete the call. Upon determining that the call interception feature is activated for the MIN/ESN pair associated with the call, the VLR 52 instructs MSC 51 to forward the call and the dialed number to the Voice Response Unit 55. The Voice Response Unit 55 uses recorded announcements stored therein to prompt the caller for personal authentication information. The Voice Response Unit 55 proceeds to transfer the collected information to the HLR 66 for validation therein *e.g.*, by comparing the information collected from the caller to data stored in the personal information field in the subscriber's profile (Fig. 4, ¶¶ 28-29).

In Amin, if a match is found, the information provided by the caller is considered valid. Otherwise, the information received by the Voice Response Unit 55 from the caller is considered invalid. When the received information is invalid, the call is terminated. If the received authentication information is valid, the Voice Response Unit 55 prompts the caller for information which includes his or her duration of stay in the roaming area. Thereafter, the Voice Response Unit 55 completes the call to the destination number provided by the caller. After completion of the call, Voice Response Unit 55 transfers the duration of stay information collected from the caller to HLR 66. Upon receiving that information, HLR 66 enters that

information in the time specification field to update the subscriber's profile. Thereafter, the HLR 66 sends a signaling message to VLR 52 to indicate that the call interception feature has been deactivated (Figs. 4 and 5; ¶¶ 29-31).

In Amin, however, there is no selection of the user profile. On the contrary, in Amin, the user profile is stored in the home location register (HLR) and is updated with an authentication from the user (¶ 29). When the user establishes his connection in the roaming area, the HLR sends a signaling message to the VLR indicating that the block is off and that the user can dial freely in the roaming area. In short, in Amin, the user profile stored in HLR is updated and not selected from a group of user profiles for the terminal.

Furthermore, Amin is concerned with providing a connection to an access network for making wireless calls. That is, Amin relates to the user profile stored in the HLR for the wireless device to obtain a connection with an access network (Fig. 1; ¶¶ 16-18). In Amin, there is no disclosure or suggestion of the user profile is being used to connect to a data network. Although Amin does disclose that the wireless telephone set maybe a wireless data communications or a multimedia communication devices (¶ 17), Amin fails to disclose or suggest connecting the wireless device to a data network. Instead, Amin is concerned with connecting the wireless device to an access network and fails to disclose any user profiles for connecting the wireless device to a data network.

Moreover, in rejecting the independent claim 1, the Examiner relies on ¶¶ 28-32 of Amin (*see* page 2 of the Office Action). The ¶¶ 28-32 cited by the Examiner deals with authentication of a caller and not with storing primary provisioning data in the terminal. Also, in Amin, there is

no disclosure or suggestion of storing two different sets of primary provisioning data and the operations are performed by HLR, VLR, MSC and not within the terminal.

Since Amin only discloses user profile for connecting the wireless device to the access network, the rejection is improper as it lacks "sufficient specificity" required under 102. "[A]nticipation under § 102 can be found only when the reference discloses exactly what is claimed and that where there are differences between the reference disclosure and the claim, the rejection must be based on § 103 which takes differences into account." *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 USPQ 773 (Fed. Cir. 1985); MPEP § 2131.

Therefore, "means for selecting a set of provisioning data from a group of the current set of primary provisionig data and the set of protected primary provisioning data, wherein a connection to the data network is set up using the selected set of provisioning data," as set forth in claim 1 is not disclosed by Amin, which lacks means for selecting a user profile and using the selected user profile to connect the terminal to the data network. For at least these exemplary reasons, claim 1 patentably distinguishes from Amin. Therefore, Applicant respectfully requests the Examiner to withdraw this rejection of claim 1. Claims 2-7 are patentable at least by virtue of their dependency on claim 1.

In addition, claim 3 recites: "said data network is a packet-switched data network." The Examiner alleges that Amin discloses wireless application protocol, commonly known as WAP (*see* page 4 of the Office Action). Applicant respectfully submits that Amin is not concerned with WAP nor does it disclose in ¶¶ 28-32 or anywhere throughout the disclosure of AMIN

using WAP. For at least this additional exemplary reason, claim 3 patentably distinguishes from Amin.

Independent claims 8 and 15 recite features similar to, although not necessarily coextensive with, the features argued above with respect to claim 1. Therefore, arguments presented with respect to claim 1 are respectfully submitted to apply with equal force here. For at least substantially analogous exemplary reasons, independent claims 8 and 15 are patentably distinguishable from Amin. Claims 9-14 and 16-21 are patentable at least by virtue of their dependency on claims 8 and 15, respectively.

Independent claim 22, among a number of unique features, recites: "backing up provisioning data for an access network, an access provider or a user." In Amin, there is no disclosure of a backup. Amin discloses updating user profile in the HLR but does not disclose or suggest any backing up of the user profile. For at least this exemplary reason, independent claim 22 patentably distinguishes from Amin.

Independent claim 23, among a number of unique features, recites: "protecting the backed up provisioning data to prevent it being updated without the intervention of the user, an access network operator or the access provider." In Amin, there is no disclosure of backed up user profile. In addition, there is no disclosure of protecting the backed up user profile.

In addition, independent claim 23 recites: "identifying a user and a network using the terminal; when the user and the network are identified, checking a storage of the terminal for a protected provisioning data...[and]...when said provisioning data is detected, using said provisioning data to connect the terminal to the data network". Amin only discloses a user

profile stored in the HLR and/or the VLR. In Amin, this user profile is used to identify a user (¶ 29). Amin fails to disclose or suggest that once a user is identified, checking the storage of the terminal for provisioning data to access a data network.

For at least these exemplary reasons, claim 23 patentably distinguishes from Amin. Claim 24 is patentable at least by virtue of its dependency on claim 23.

In addition, claim 24 recites: "the provisioning data is primary provisioning data to access the data network." As explained above, Amin fails to disclose or suggest that the user profile is primary provisioning data to acess the data network. On the contrary, in Amin, the user profile is used for access network. For at least this additional exemplary reason, claim 24 patentably distinguishes from Amin.

Therefore, Applicant respectfully requests the Examiner to withdraw this rejection of claims 1-24.

New Claims

In order to provide more varied protection, Applicant adds claims 25-28. Claims 25 and 26 are patentable at least by virtue of their dependency on claim 1. Claim 27 is patentable over the prior art of record at least because of its recitation of "means for copying one of said at least one set of protected primary provisioning data from the protected storing means into the current storing means." Claim 28 is patentable at least by virtue of its dependency on claim 27.

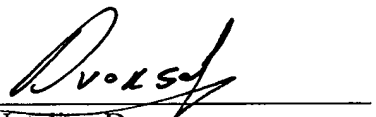
Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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